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09/905,423

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First Named Inventor

Patrick H. Hayes

Art Unit

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Examiner Name

Shapiro, Leonid

Attorney Docket Number

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Gary R. Jarosik

Date

July 10, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hayes et al.)
Serial No. 09/905,423) Examiner: Shapiro, Leonid
Filed: July 13, 2001) Art Unit: 2677
Title: System And Method For) Attny Docket: 81230.62US2
Using A Hand Held Device)
To Display Product)
Information)

APPEAL BRIEF

Mail Stop Appeal Briefs - Patents
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Alexandria, VA 22313-1450

Dear Sir:

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's final rejection of claims 7-10 and 13-27 which rejection was set forth in the Office Action mailed March 14, 2006.

A timely Notice of Appeal has been filed.

This Appeal Brief is being filed in triplicate.

The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to deposit account number 50-2428 in the name of Greenberg Traurig.

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By:


Ranni Matar

I. Real Party In Interest

The real party in interest is Universal Electronics Inc.

II. Related Appeals And Interferences

There are no appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status Of The Claims

In the application, claims 7-10 and 13-27 remain pending and, having been finally rejected, are the subject of this appeal.

A clean, double spaced copy of pending claims 7-10 and 13-27 may be found in the Claims Appendix .

IV. Status Of Amendments

The claims are in condition for appeal – no further amendments to the claims are pending.

V. Summary Of The Claimed Subject Matter

With reference to, for example, Figs. 19a and 19b and paragraphs 0157 and 0158 of the corresponding U.S. Published Application No. 2002/0140571, the claimed subject matter is generally directed to a system and method for displaying information to a consumer relevant to the operation of a consumer appliance. To this end, the system includes a hand-held device having a display and a memory in which is stored data that functions to identify a make of a consumer appliance, e.g., a code number provided to the hand-held device via a setup method to configure the hand-held device to communicate commands to the consumer appliance, and a Web site located remotely from the consumer appliance on which is an electronic document

comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the make of the consumer appliance, i.e., a user's manual. To retrieve the user's manual, the method allows a user to request, for example via activation of an "info" button, that a browser application resident on the hand-held device retrieve the data that functions to identify the make of the consumer appliance from the memory of the hand-held device and upload that data to the Web server where the Web server uses the uploaded data to retrieve the electronic document and download the electronic document to the hand-held device for display on the hand-held device. In a further claimed embodiment, the electronic document is retrieved from a Web server that is located at a wide area network address which is mapped within the hand-held device to the data that functions to identify the make of the consumer appliance. In both claimed embodiments, the subject invention has, among others, the advantage of providing a means for efficiently and quickly replacing a user's manual which may have been lost or otherwise misplaced.

VI. Grounds Of Rejection To Be Reviewed On Appeal

1. Whether the rejection of the pending claims 7-10 generally under 35 U.S.C. § 103 can be maintained when the references being relied upon, whether considered alone or in combination, simply fail to disclose, teach, or suggest, either expressly or inherently, each and every element, considering each and every word, set forth in the claims.

2. Whether the rejection of the pending claims 13-22 generally under 35 U.S.C. § 103 can be maintained when the references being relied upon, whether considered alone or in combination, simply fail to disclose, teach, or suggest, either expressly or inherently, each and every element, considering each and every word, set forth in the claims.

3. Whether the rejection of the pending claims 23-27 generally under 35 U.S.C. § 103 can be maintained when the references being relied upon, whether considered alone or in combination, simply fail to disclose, teach, or suggest, either expressly or inherently, each and every element, considering each and every word, set forth in the claims.

4. Whether the rejection of pending claims 10, 16, and 27 specifically under 35 U.S.C. § 103 can be maintained when the rejection fails to identify any suggestion or motivation for the espoused combination of references.

VII. Argument

A) Summary Of The Rejection Of The Pending Claims

Independent claims 7, 13, 17, and 23 stand rejected under 35 U.S.C. § 103 as allegedly being rendered obvious based upon the combination of Daum (U.S. Publication No. 2003/0046377) and Allport (U.S. Patent No. 6,104,334).

In rejecting these claims, the Office Action asserted that Daum teaches the claim elements of entering into a hand-held device/storing in memory of a hand-held device data that functions to identify a consumer appliance (citing to Fig. 4, element 402 “Dishwasher Start” and para. 0062); uploading the data that functions to identify the consumer appliance from the hand-held device to a remote system located remotely from the consumer appliance (citing to Fig. 1, elements 110, 140-150, paras. 0021 and 0025, and relying upon *inherency* stating “in order to receive diagnostic routines from remote systems, where diagnostic information stored by appliance type and serial number, the appliance identification information must be uploaded to remote systems”); using the data that functions to identify the consumer appliance at a remote system to retrieve an electronic document comprising human-readable information in a form for

instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance (citing to “diagnostic routines” of para. 0025 and Fig. 1 elements 110 and 140-150); and transmitting the electronic document from the remote system to the hand-held device whereby a representation of the electronic document is displayable on the hand-held device (citing to Fig. 5, element 540 and para. 0054). With respect to independent claim 27, the Office Action asserted that Daum discloses a remote system accessed by an address which is mapped within a hand-held device to data that functions to identify the make of a consumer appliance (citing to Fig. 1 elements 110 and 140-150 and paras. 0021 and 0025).

While it was acknowledged in the Office Action that Daum does not disclose a Web server, it was asserted that Allport teaches a Web server (citing to Col. 5, lines 54-59) and, as such, the Office Action concluded that it would have been obvious to modify Daum to incorporate the teachings of Allport “in order to interact with controlled devices.”

As concerns dependent claims 10, 16, and 27, the Office Action asserted that Allport teaches a remote control having a memory in which are stored a library of command codes for commanding the operation of a plurality of different appliances and a set-up program by which the data that functions to identify the consumer appliance is used to select command codes from the library of command codes that are appropriate to command the operation of the consumer appliances (citing to Fig. 15, elements 10, 65, and 420; Col. 2, lines 25-65; and Col. 60-63). However, no explanation was provided as to how or why this disclosure within Allport would lead one of skill in the art to modify Daum to arrive at the invention claimed.

B) Applicable Case Law

It is respectfully submitted that a rejection under 35 U.S.C. § 103 requires that a

combination of references disclose, either expressly or inherently, each and every element set forth in the claims, considering the claims “as a whole.” *In re Royka*, 490 F.2d 981 (CCPA 1974). To be inherently described in a reference the reference “must make clear that the missing descriptive matter is necessarily present in the thing described and that it would be so recognized by persons of ordinary skill.” Inherency “may not be established by probabilities or possibilities.” The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *Continental Can Co. USA v. Monsanto Co.*, 948 F.3d 1264 (Fed. Cir. 1991).

The requirement that the claimed invention be considered “as a whole” is further meant to prevent evaluation of an invention part by part, i.e., breaking an invention into its component parts and then merely finding a reference containing one part, another reference containing another part, etc. and to prevent the impermissible use of the specification of the applicant as a template to combine these parts for the purpose of deprecating the claimed invention. *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1548 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Thus, to assure that such “hindsight reasoning” is not used when assessing the patentability of a claimed invention, a rejection under 35 U.S.C. § 103 requires a demonstration that an artisan of ordinary skill in the art at the time of the invention, without knowledge of the claimed invention, would have selected the various parts from the references and combined them in the claimed manner. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Obviousness is not established merely by combining references having different individual elements of pending claims. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993).

C) The References Fail To Disclose The Independent Claims “As A Whole”

In response to the rejection of the pending claims it is respectfully submitted that the combination of Daum and Allport fail to disclose, teach, or suggest the pending claims “as a

whole.” In particular, Daum and Allport, whether considered alone or in combination, fail to expressly or inherently disclose, teach, or suggest a system or method in which data that functions to identify an appliance is entered into (claims 7-10) or stored in a memory of (claims 13-22) a hand-held device with that same data then being uploaded to a remotely located server where it is used to retrieve an electronic document comprising human-readable information in a form for instructing a user how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance, i.e., a user’s manual. Furthermore, Daum and Allport, whether considered alone or in combination, fail to expressly or inherently disclose, teach, or suggest a system in which a browser application reads from memory the data that functions to identify the appliance where it is used to retrieve an electronic document comprising human-readable information in a form for instructing a user how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance, i.e., a user’s manual, that is located at a Web server having a network address that is mapped within the hand-held device to the data that functions to identify the appliance (claims 23-27). For this reason, it is respectfully submitted that the rejection of the claims must be withdrawn.

The rejection of the claims has not asserted that Allport discloses any of these claimed elements. Rather, Allport is relied upon in the rejection of the claims for merely disclosing a Web server.

While the rejection of the claims has alleged that Daum expressly discloses the claimed elements of entering into a hand-held device or storing in a memory of a hand-held device data that functions to identify an appliance in Fig. 4 and para. 0062 (with the rejection particularly citing to the command “Dishwasher Start”), it is respectfully submitted that this alleged data the functions to identify an appliance is never disclosed within Daum as being entered or as being

stored and then retrieved for the purpose of being uploaded to a remotely located server to retrieve anything “human readable.” Rather, Daum expressly describes in para. 0062 and illustrates in Fig. 4 a method in which a user runs an already installed service application and, in response to the user selecting a command, e.g., “Dishwasher Start,” the service application functions to interpret the selected command for the purpose of generating a message packet that includes the selected command. Thus, since Daum expressly describes that the selected command, e.g., “Dishwasher Start,” is interpreted by a diagnostic routine *that is already installed on the diagnostic interface*, it is not evident nor has it been explained how this alleged data that functions to identify an appliance, e.g., “Dishwasher Start,” can be said to be used to retrieve a “diagnostic routine” as is further suggested by the rejection of the claims. Accordingly, since neither Daum nor Allport disclose, teach, or suggest, whether considered alone or in combination, a system or method in which data that functions to identify an appliance is entered into (claims 7-10) or stored in a memory of (claims 13-22) a hand-held device with that same data *then being uploaded to a remotely located server* where it is used to retrieve an electronic document comprising human-readable information in a form for instructing a user how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance, i.e., a user’s manual, it is respectfully submitted that the rejection of claims 7-10 and the rejection of claims 13-22, respectively, must be withdrawn.

While the rejection of the claims has alleged that Daum expressly discloses the claimed elements of a browser application which reads from memory the data that functions to identify the appliance where it is used to retrieve an electronic document comprising human-readable information in a form for instructing a user how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance, i.e., a user’s manual,

that is located at a Web server having a network address that is mapped within the hand-held device to the data that functions to identify the appliance in Fig. 1 and paras. 0021 and 0025, it is respectfully submitted that neither Fig. 1 nor the cited to paras. 0021 and 0025 illustrate or describe a browser application that reads anything from memory or a hand-held device having a mapping between a network address of a Web server and data that functions to identify an appliance. Rather, the cited to Fig. 1 and paras. 0021 and 0025 illustrate and describe nothing more than the service diagnostic system components of the Daum invention making no reference to anything stored in memory or the remote system, i.e., the alleged remote server, having an address that is mapped to anything within the display device, i.e., the alleged hand-held device. Accordingly, since neither Daum nor Allport disclose, teach, or suggest, whether considered alone or in combination, a system in which a browser application reads from memory the data that functions to identify the appliance where it is used to retrieve an electronic document comprising human-readable information in a form for instructing a user how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance, i.e., a user's manual, that is located at a Web server having a network address that is mapped within the hand-held device to the data that functions to identify the appliance, it is respectfully submitted that the rejection of claims 23-27 must be withdrawn.

While the rejection of the claims has alleged that Daum expressly discloses the claimed element of receiving from a remotely located server an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of a consumer appliance for the purpose of operating the consumer appliance, i.e., a user's manual, in Fig. 1 and para. 0025 (with the rejection particularly citing to the disclosed "diagnostic routines"), it is respectfully questioned how a "diagnostic routine" can be read as

being an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of a consumer appliance for the purpose of operating the consumer appliance, i.e., a user's manual. In this regard, Daum fails to provide any details with respect to the "diagnostic routines." Accordingly, it is submitted that the "diagnostic routines" of Daum must be interpreted as being limited to a sequence of computer instructions for performing a particular task (*see Merriam-Webster Dictionary*). Since a sequence of computer instructions for performing a particular task is the antithesis of an electronic document comprising *human-readable information* in a form *for instructing a consumer* how to interact with one or more controls of a consumer appliance for the purpose of operating the consumer appliance, it is respectfully submitted that the combination of Daum and Allport cannot be said to disclose the claims "as a whole" and, for this reason, the rejection of claims 7-10 and 13-27 must be withdrawn.

While the rejection of the claims has alleged that Daum inherently discloses the claim element of causing the data that functions to identify the consumer appliance to be uploaded to a remote system for use in retrieving an electronic document in Fig. 1 and paras. 0021 and 0025 (particularly stating that "inherently, in order to receive *diagnostic routines* from remote systems 140, 150, where *diagnostic information*¹ stored by appliance type and serial number, the appliance identification information must be uploaded to remote systems 140, 150"), it is respectfully submitted that even the misquoted language from Daum acknowledges that Daum **does not** suggest that the downloadable "*routines*", i.e. the alleged "electronic documents" are stored by appliance type and serial number. Rather, Daum expressly describes that it is appliance *diagnosis information* that is stored by appliance type and serial number. Therefore,

¹ Daum uses the term "*diagnosis information*" in para. 0021 and not the term "diagnostic information" as quoted by the Examiner.

since Daum **fails to ever** expressly set forth that appliance *diagnostic routines* are stored by appliance type and serial number, it is respectfully submitted that Daum fails to even provide the foundation upon which the conclusion of “inherency” may be built.

Considering Daum further, it is also noted that Daum **never** uses the terms “diagnosis information” and “diagnostic routines” interchangeably as is done in the rejection of the claims. Accordingly, it is respectfully submitted that it cannot be definitively said that Daum intended the term “diagnostic routine” to be included within the term “diagnosis information” such that the “diagnostic routines” of Daum would also be stored by appliance type and serial number. Instead, a common definition of “diagnosis” precludes any such conclusion from being definitive, i.e., the Daum “diagnosis information,” which are not described in any detail by Daum, may be nothing more than stored information for an appliance identified by its type and serial number which information was obtained as a result of a diagnostic being executed on that appliance. (See Merriam-Webster Online Dictionary).

Since Daum **never** sets forth that the “*diagnostic routines*” are stored by appliance type and serial number, it simply cannot be inferred that the “*diagnostic routines*” are **required** to be identified by uploaded appliance type and serial number data as is asserted as the basis for the rejection. Rather than “inherently” disclose that which has been asserted within the Office Action, it is respectfully submitted that it is possible that the Daum *diagnostic routines* are generic routines that may be uniformly used by the diagnostic interface (110) and, therefore, would not need to be separately identified by appliance type or model number. Furthermore, it is equally possible that the Daum diagnostic routines, even if stored by appliance type and appliance model number, are all downloaded into the diagnostic interface (110) in a single download transaction and, therefore, there would never be a need to upload any identifying

information to thereby retrieve the same. Nothing from within Daum precludes these possibilities. As such, it cannot be inferred that within Daum there is a requirement that an appliance type and serial number be uploaded to thereby cause the downloading of a *diagnostic routine* from the remote server (140). (Para. 0025). Accordingly, since there is **no evidence** that the *diagnostic routines* of Daum are stored by appliance type and serial number and there is **no evidence** that particular or selected diagnostic routines are downloaded to the diagnostic interface (110), i.e., diagnostic routines that would be first identified by uploaded appliance type and model data, it cannot be said that Daum makes clear that the missing descriptive matter of uploading and using at the remote server (140) appliance identification information to download *diagnostic routines* is necessarily present in the thing described and that it would be so recognized by persons of ordinary skill in the art as is required of “inherency.”

It is similarly respectfully submitted that, as concerns the *diagnosis information* that is stored at the remote service center (140) of Daum by appliance type and serial number, **nowhere** does Daum disclose that this *diagnosis information* is downloadable to the diagnostic interface (110) of Daum. Similarly, **nowhere** does Daum disclose, teach, or suggest that the *diagnosis information* is used for any purpose by the diagnostic interface (110), let alone to retrieve programs, diagnostic routines, upgrade messages, or the like as seems to be asserted in the Advisory Action. Accordingly, since it cannot be said that the *diagnosis information* of Daum is necessarily downloadable to the diagnostic interface (110) or used for any purpose by the diagnostic interface (110), it likewise cannot be said that Daum makes clear that the missing descriptive matter of uploading and using at the remote server (140) appliance identification information to download *diagnosis information* is necessarily present in the thing described and

that it would be so recognized by persons of ordinary skill in the art as is required of “inherency.”

From the foregoing it will be appreciated that Daum cannot be said to disclose, teach, or suggest, either expressly (as acknowledged) or inherently (as demonstrated), those claim elements relied upon in the rejection of the claims. More specifically, it is respectfully submitted that nothing from within Daum can be said to **make clear** that Daum includes the claimed elements of uploading data that functions to identify a consumer appliance from the hand-held device to a server located remotely from the consumer appliance where the server uses the data to retrieve an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance. Therefore, since neither Daum nor Allport, whether considered alone or in combination, discloses, teaches, or suggests these claimed elements of the invention, it is respectfully submitted the rejection of the claims fails to present a *prima facie* case of obviousness under 35 U.S.C. § 103 and must be withdrawn.

D) The Rejection Fails to Present A *Prima Facie* Case Of Obviousness

As concerns the rejection of claims 10, 16, and 27, it is respectfully submitted that the rejection of the claims fails to present a *prima facie* case of obviousness. In this regard, while Allport may teach a remote control having a memory in which is stored a library of command codes for commanding the operation of a plurality of appliances and a set-up program by which data that functions to identify an appliance is used to select command codes from the library of command codes that are appropriate to command the operation of the consumer appliance, it has not been explained in the rejection of the claims (as is required) nor is it apparent how this teaching alone would provide the motivation or suggestion to modify Daum to include the

uploading of this particular type of data for the purpose of retrieving a user's manual as is claimed. Since, in fact, neither Daum nor Allport disclose, teach, or suggest using this particular type of data *for any purpose* beyond configuring a remote control to command an appliance, it is respectfully submitted that any conclusion that claims 10, 16, and 27 are rendered obvious by the teachings of Daum and Allport could only be arrived at through the impermissible use of hindsight reasoning, i.e., the impermissible using of the claimed invention as an instruction manual or "template" to piece together isolated elements selected from Daum and Allport for the purpose of deprecating the claimed invention. Thus, since there is neither a suggestion nor motivation to combine Daum and Allport set forth in the rejection of claims 10, 16, and 27 and since, in fact, neither Daum nor Allport disclose, teach, or suggest using configuration data for the additional purpose claimed, it is respectfully submitted that the rejection of claims 10, 16, and 27 under 35 U.S.C. § 103 must be withdrawn.

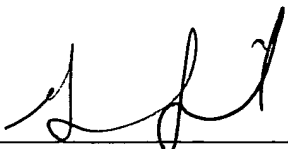
E) Conclusion

It is respectfully submitted that, when the claims are considered *as a whole*, the claims are neither anticipated by nor rendered obvious by the art of record. As such, it is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Board is respectfully requested.

Respectfully Submitted;

Date: July 10, 2006

By:



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VIII. CLAIMS APPENDIX

The following is a clean copy of the claims involved in the Appeal:

7. A method of displaying information to a consumer relevant to the operation of a consumer appliance, comprising:

entering into a hand-held device data that functions to identify the consumer appliance;
uploading the data that functions to identify the consumer appliance from the hand-held device via a wide area network to a Web server located remotely from the consumer appliance;
using the data that functions to identify the consumer appliance at the Web server to retrieve an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance; and
transmitting the electronic document from the Web server via the wide area network to the hand-held device whereby a representation of the electronic document is displayable on the hand-held device.

8. The method as recited in claim 7, wherein the hand-held device comprises a browser application for retrieving and displaying the representation of the electronic document.

9. The method as recited in claim 7, wherein the hand-held device comprises a bar code reader for use in entering the data that functions to identify the consumer appliance.

10. The method as recited in claim 7, wherein the hand-held device comprises a remote control having a memory in which are stored a library of command codes for commanding the operation

of a plurality of different consumer appliances and a set-up program by which the data that functions to identify the consumer appliance is also used to select command codes from the library of command codes that are appropriate to command the operation of the consumer appliance.

13. In a hand-held device having a display, a readable media having instructions for displaying information relevant to the operation of a consumer appliance, the instructions performing steps comprising:

storing data that functions to identify the consumer appliance;

causing the data that functions to identify the consumer appliance to be uploaded via a wide area network to a Web server located remotely from the consumer appliance which uses the data that functions to identify the consumer appliance to retrieve an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance;

receiving the electronic document from the Web server via the wide area network; and

displaying a representation of the electronic document in the display.

14. The readable media as recited in claim 13, wherein the hand-held device comprises a browser application for retrieving and displaying the representation of the electronic document.

15. The readable media as recited in claim 13, wherein the hand-held device comprises a bar code reader for use in entering the data that functions to identify the consumer appliance.

16. The readable media as recited in claim 13, wherein the hand-held device comprises a remote control having a memory in which are stored a library of command codes for commanding the operation of a plurality of different consumer appliances and a set-up program by which the data that functions to identify the consumer appliance is also used to select command codes from the library of command codes that are appropriate to command the operation of the consumer appliance.

17. A system, comprising:

a hand-held device having a display and a memory in which is stored data that functions identify a make of a consumer appliance; and

a Web site located remotely from the consumer appliance on which is an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the make of the consumer appliance; and

wherein the hand-held device is adapted to cause the data that functions to identify the consumer appliance to be uploaded via a wide area network to the Web site which uses the data that functions to identify the consumer appliance to retrieve the electronic document and download the electronic document via the wide area network to the hand-held device whereby a representation of the electronic document may be displayed in the display.

18. The system as recited in claim 17, wherein the consumer appliance is a kitchen appliance and wherein the human-readable information comprises a recipe.

19. The system as recited in claim 17, wherein the human-readable information comprises a user manual.

20. The system as recited in claim 17, wherein the human-readable information comprises multiple pages.

21. The system as recited in claim 20, wherein the hand-held device comprises a browser application adapted to display a representation of each of the multiple pages.

22. The system as recited in claim 20, wherein the multiple pages are linked.

23. A hand-held device, comprising:

a display;

a memory in which is stored data that functions to identify a make of a consumer appliance; and

a browser application comprising instructions for reading from memory the data that functions to identify the make of the consumer appliance, for retrieving via a wide area network connection an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance located at a Web server accessed using a wide area network address which is mapped within the hand-held device to the data that functions to

identify the make of the consumer appliance, and for displaying a representation of the retrieved electronic document in the display.

24. The hand-held device as recited in claim 23, wherein the human-readable information comprises a user manual.

25. The hand-held device as recited in claim 23, wherein the wide area network comprises the Internet.

26. The hand-held device as recited in claim 23, further comprising a bar-code reader for entering into memory the data that functions to identify the make of the consumer appliance.

27. The hand-held device as recited in claim 23, wherein the memory comprises a library of command codes for commanding the operation of a plurality of different consumer appliances and the hand-held device comprises a set-up program by which the data is also used to select command codes from the library of command codes that are appropriate to command the operation of the consumer appliance.

IX EVIDENCE APPENDIX

No evidence was submitted pursuant to Secs. 1.130, 1.131, or 1.132.

X. RELATED PROCEEDINGS APPENDIX

No decisions have been rendered by a court or the Board in any proceedings identified pursuant to paragraph (c)(1)(ii) of 37 CFR 41.37.